



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)
402200004DVJ

In re Application of: Bonk et al.

Application No. 10/817,377

Filed: April 2, 2004

For: Membranes of Polyurethane Based Material Including Polyester Polyols

The owner*, Nike, Inc., of 100% percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patents** Nos. 6,013,340 and 6,692,803 as the term of said prior patents is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patents** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patents** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

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- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney of record. Reg. No. 35,085

Anna M. Budde 10/21/2005
Signature Date

Anna M. Budde

Typed or printed name

248/641-1600

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- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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